



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: ECO-087

Charles J. Hosken
General Manager
Chelan County PUD
327 N. Wenatchee Ave.
P.O. Box 1231
Wenatchee, WA 98807-1231

*Rick Parkin's
letter*

Dear Mr. Hosken:

Thank you for the letter of June 27, 2003, co-signed by the Chelan, Douglas and Grant County Public Utility Districts, expressing concerns with the preliminary draft Total Maximum Daily Load (TMDL) for temperature for the Columbia and Snake River mainstems that Region 10, U.S. Environmental Protection Agency (EPA) made available to the public in September, 2002. The TMDL is a joint project of EPA and the states of Idaho, Oregon and Washington, working in coordination with the Indian Tribes of the Columbia Basin. Oregon and Washington have requested that EPA establish the TMDL for waters of the Columbia and Snake rivers within their boundaries. Idaho will establish the TMDL for waters of the state of Idaho. Although EPA and the states held three work shops in September, 2002 to explain the TMDL to the public and receive initial input from the public, the TMDL has not yet been proposed for formal public review and comment. We received a great deal of helpful feedback as a result of the public workshops and your letter provides additional information as we work to prepare a draft for formal review.

The general concerns expressed in your letter are that the temperature goals outlined in the TMDL are unrealistic, unachievable and unmeasurable and efforts to enforce these "unreasonable standards" could have real and substantial negative impacts on the population of the Pacific Northwest. The TMDL does not establish water quality goals or standards. Water quality goals for the Columbia and Snake rivers have already been established by state and tribal water quality standards. The TMDL is a tool created by the Clean water Act (CWA) to achieve the water quality goals established in the state and tribal water quality standards.

As required by Section 303(d)(1)(C) of the CWA, this draft TMDL is being calculated at a level necessary to implement the water quality standards of the states and tribes applicable to the Columbia and Snake rivers. Those standards include water quality criteria for temperature which are based on the natural temperatures of the Columbia and Snake rivers. Since current temperatures in the rivers are significantly higher than they would be in the absence of human

Draft Response to Mid-Columbia PUDs - Not for distribution

influence, the TMDL is quite restrictive.

I share your concerns about the attainability of the water quality standards for temperature on the Columbia and Snake rivers, the apparent lack of feasible alternatives to improve temperature sufficiently to achieve water quality standards and the potential social and economic impacts that could result from efforts to achieve the standards. It is very important to me to balance ecosystem recovery needs with economic, social and cultural sustainability in the Pacific Northwest. Fortunately, the CWA provides the framework to allow us to develop that balance.

Water quality standards consist of designated uses, such as salmonid rearing, and the water quality criteria necessary to protect the uses. If it is not feasible to achieve the improvements called for by the TMDL to fully achieve the water quality criteria and thus fully protect the designated use, the designated use can be revised through a use attainability analysis and the water quality criteria can be changed to reflect the modified use. See 40 C.F.R. § 131.10. Federal regulations at 40 C.F.R. §131.10(g)(4) specifically allow the removal or revision of uses if they cannot be attained due to the presence of dams: *"Dams, diversions or other types of hydrologic modification preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modifications in a way that would result in the attainment of the use."* Further, if the use can be attained but the costs of doing so would cause undue economic impacts, federal regulations at 40 CFR 131.10(g)(6) allow modification of the use if *"controls more stringent than those required by sections 301(b) and 306 of the Act would result in substantial and widespread economic or social impact."*

Working with the three states, the Federal Columbia River Power System (FCRPS) Action Agencies, U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and Bonneville Power Administration, NOAA Fisheries, Fish and Wildlife Service, interested tribes and interested public and industry groups, EPA is currently engaged in an intensive effort to identify feasible management options for improving temperature. Concurrent with that effort is the commitment to evaluate the need to revise the water quality standards upon which the draft TMDL is based should the temperature improvements contemplated by those water quality standards prove to be unattainable. The mid-Columbia PUDs have been invited to participate in these efforts and PUD staff and consultants have participated in the TMDL effort throughout the process.

The Pacific Northwest Region, working together will develop the balance of ecosystem recovery needs and socioeconomic needs. The TMDL is not the final answer. It is a tool that estimates how much improvement is needed to achieve water quality standards. Simultaneously with development of the TMDL, the region is determining how much improvement in temperature is feasible without causing economic harm to the Region. Armed with this information the States can opt to modify their water quality standards, if appropriate, to reach the proper balance.

Thank you for your specific comments. We will utilize that input as we make the final decisions leading up to issuance of the draft TMDL for formal public review. We are working very closely with Idaho, Oregon and Washington and any description or use of their water quality

standards in the TMDL must receive their concurrence or we will not issue the draft until we are all in agreement. Finally, the draft TMDL when it is issued for public review will include a problem assessment that describes in great detail the adverse effects of warm temperatures on salmon and provides information on when and where in the Columbia and Snake rivers, those adverse temperatures exist as a result of human activities in the rivers. This problem assessment is currently available on the EPA web page www.epa.gov/r10earth/columbiainstemtmdl.htm.

Water temperature in the Columbia and Snake rivers is a long-standing, unresolved issue in the Pacific Northwest and has been the subject of time consuming and expensive litigation. I believe that if we leave this issue unresolved it will continue to spawn contention and litigation in the Region. Therefore, we are working hard in EPA-Region 10 with the States, Tribes, Federal Action Agencies, National Marine Fisheries Service and U. S. Fish and Wildlife Service, PUDs and other partners to resolve this issue within the frame work of the Clean Water Act in a manner that balances ecosystem recovery needs with economic, social and cultural sustainability of the Northwest Region. It is not an easy balance to achieve and the debate is not without contention and concern on the part of the affected parties. I greatly appreciate your concern and assistance in moving this effort forward.

Please contact me if you would like to discuss these important issues further. I can be reached at (206) 553-1234 and Randy Smith, Director of the Region 10 Office of Water, can be reached at (206) 553-1261.

Sincerely,

John Iani
Regional Administrator

cc: Tom Fitzsimmons, Director, Washington Department of Ecology
Stephanie Hallock, Director, Oregon Department of Environmental Quality
Steve Allred, Director, Idaho Department of Environmental Quality

Three identical letters. Other addressees:

*William C. Dobbins
Manager
Douglas County PUD
1151 Valley Mall Parkway
East Wenatchee, WA 98802*

*Don Godard
Manager*

Draft Response to Mid-Columbia PUDs - Not for distribution

*Grant County PUD
30 "C" Street S.W.
P.O. Box 878
Ephrata, WA 98823*